IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

Bail Appl..No. 7529 of 2007()

CMP.6892/2007 of J.M.F.C.-I,TRIVANDRUM
.....
(CRIME NO.355/07 OF KARAMANA POLICE STATION)

PETITIONER/ACCUSED:

AKHIL KUMAR @ KICHU,
VIJAYPURI, KOCHAR ROAD,
JAGATHY, THIRUVANANTHAPURAM.

BY ADV. SRI.V.VINOD KUMAR (NEMAM)
SRI.SHERRY J. THOMAS
SMT.P.K.DIVYA

RESPONDENTS: COMPLAINANT/STATE:
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1. **SUB INSPECTOR OF POLICE,**
   KARAMANA POLICE STATION.

2. **STATE OF KERALA, REPRESENTED BY THE**
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/12/2007 ALONG WITH BA NO. 7661 OF 2007,,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R. BASANT, J.

B.A. Nos. 7529 and 7661 OF 2007

Dated this the 7th day of December, 2007

O R D E R

These applications are for regular bail. Petitioners are accused Nos.7 and 10. They face allegations in a crime registered for offences punishable, inter alia, under Section 302 IPC. Accused No.7 is allegedly one of those who had allegedly participated in the crime. Accused No.10 was not a person present at the scene of the crime but he was alleged to be one of the conspirators. Accused No.7 was arrested on 18.10.07. Accused No.10 was arrested on 19.10.07. I had earlier considered an application for regular bail of the 10th accused and by order dated 20.11.07 in B.A.6974/07 that application was dismissed with observations. Enabled by the said observations, the 10th accused has come to this Court again seeking regular bail.

2. Two persons were done to death by a group of 9 persons i.e., accused 1 to 9 on 30.9.07. It is the case of the prosecution that accused Nos.2 and 10 had conspired to do

away with one of the deceased persons by name Shaji.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the investigation is not complete. Some of the co-accused have not been arrested yet and in these circumstances, the petitioners may not be granted regular bail at this early stage of the investigation. The learned Public Prosecutor concedes that the petitioners are not shown to have any criminal antecedents. Considering the gravity and seriousness of the alleged offences committed by them, they may not be enlarged on bail, submits the learned Public Prosecutor.

4. I have considered all the relevant inputs. I agree with the learned Public Prosecutor that the petitioners are not entitled to the invocation of the discretion under Section 439 Cr.P.C. at this early stage of the investigation. Investigators, in a serious crime like this, are certainly entitled to further time to complete the investigation.

5. In the result, these petitions are dismissed. However, I may hasten to observe that the petitioners shall be

at liberty to move this court or the Sessions court for bail again at later stages of the investigation not, at any rate, prior to 21/12/2007. The investigator shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

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